

Atty's Docket: Beiersdorf 617.1
USSN 09/581, 412
Schneider, et al.,

Obviousness over Aronson. In View of Jackman and Schneider

In brief, the Schneider reference is applied to meet the claim limitation in instant claim 11(I) directed toward *partially neutralized esters of monoglycerides and/or diglycerides of saturated fatty acids with citric acid*. See Office Action, Item 1, middle of page 5.

In response, the undersigned submits below, a statement of common ownership that effectively removes the Schneider reference as explained in MPEP §§ 706.02(I)(2) and 804.03(II)(A).

STATEMENT OF COMMON OWNERSHIP UNDER 37 CFR § 1.130

The undersigned hereby declares that at the time the invention of the above-identified application was made BEIERSDORF AG was the owner of such invention as well as the invention set forth in U.S. Patent 5,780,445 to Schneider that was published July 14, 1998.

The instant application has an effective filing date based on PCT EP99/00054 of January 7, 1999, thus Schneider does not qualify as prior art under 35 USC § 102(b).

The undersigned further states that they have the authority to make the foregoing statement on behalf of BEIERSDORF AG.

The undersigned further states that all statements made herein are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

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As a result of removing the Schneider reference, a key limitation is neither taught nor suggested by the combined references. Therefore, a *prima facie* case of obviousness is not met.

It is respectfully requested that the obviousness rejections be withdrawn, and the claims be allowed.

Respectfully Submitted,

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